

SENATE BILL 163

Unofficial Copy  
E3

2004 Regular Session  
4r1073  
CF 4r1124

---

By: **Senators Kelley, Britt, Della, Exum, Frosh, Gladden, Grosfeld, Lawlah,  
McFadden, and Teitelbaum Teitelbaum, Forehand, and Green**

Introduced and read first time: January 23, 2004

Assigned to: Judicial Proceedings

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 17, 2004

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2

**Juvenile Law - Waiver of Counsel**

3 FOR the purpose of prohibiting a child from waiving the right to the assistance of  
4 counsel in certain proceedings except under certain circumstances; prohibiting a  
5 parent, guardian, or custodian of a child from waiving the child's right to the  
6 assistance of counsel; prohibiting the juvenile court from accepting a waiver of  
7 the child's right to the assistance of counsel except under certain circumstances;  
8 requiring the court to consider certain factors in determining whether a waiver  
9 is knowing and voluntary; requiring the court to continue and the clerk to  
10 reschedule a waiver or adjudicatory hearing under certain circumstances;  
11 requiring the clerk to issue a certain notice within a certain time period;  
12 requiring the Office of the Public Defender to enter an appearance for the child  
13 under certain circumstances; and generally relating to the right to the  
14 assistance of counsel in juvenile proceedings.

15 BY repealing and reenacting, with amendments,  
16 Article - Courts and Judicial Proceedings  
17 Section 3-8A-20  
18 Annotated Code of Maryland  
19 (2002 Replacement Volume and 2003 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:



1 (C) Compensation for the services of an attorney appointed to represent a child  
2 in an action under this subtitle may be assessed by the court against any party or  
3 against a parent of the child.

4 [(c)] (D) (1) A party is not entitled to the assistance of counsel at a peace  
5 order proceeding.

6 (2) Paragraph (1) of this subsection does not affect the entitlement of a  
7 respondent to the assistance of counsel in a contempt proceeding as provided by law.

8 (E) (1) IF A CHILD APPEARS IN COURT WITHOUT COUNSEL FOR A WAIVER  
9 HEARING UNDER § 3-8A-06 OF THIS SUBTITLE, OR AN ADJUDICATORY HEARING  
10 UNDER § 3-8A-18 OF THIS SUBTITLE, AND THE CHILD HAS NOT PREVIOUSLY WAIVED  
11 THE RIGHT TO THE ASSISTANCE OF COUNSEL IN ACCORDANCE WITH SUBSECTION (B)  
12 OF THIS SECTION, THE COURT SHALL CONTINUE AND THE CLERK SHALL  
13 RESCHEDULE THE WAIVER OR ADJUDICATORY HEARING.

14 (2) THE CLERK SHALL ISSUE A NOTICE OF THE DATE, TIME, AND  
15 LOCATION OF THE HEARING AT LEAST 10 DAYS PRIOR TO THE DATE OF THE  
16 HEARING.

17 (3) THE OFFICE OF THE PUBLIC DEFENDER SHALL ENTER AN  
18 APPEARANCE FOR THE CHILD.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2004.